

### **REMARKS**

Upon entry of the amendments, claims 46 and 58-61 will be pending.

#### **Regarding the Amendments**

Claims 55-57 and 62-64 have been cancelled without prejudice or disclaimer.

Claim 46 has been amended to more precisely define the claimed method for promoting neuron repair or regeneration in a human subject suffering from spinal cord disruption by intrathecal administration of a therapeutically effective amount of the identified composition. The amendment is supported, for example, in the specification at pages 31-38. As such, the amendment does not add new matter.

Claim 58 has been amended to more clearly present the claim in Markush format and does not add new matter.

Claim 60 has been amended to clarify the subject matter regarded as the invention and, therefore, does not add new matter.

#### **Rejections under 35 USC § 112**

The rejection of claims 46 and 55-64 under 35 U.S.C. § 112, first paragraph, as allegedly lacking an enabling disclosure in the specification in support of the full scope of the claimed invention, is respectfully traversed.

The Examiner alleges that the specification fails to provide any guidance on how to practice the claimed methods in human subjects suffering from pathological conditions other than nervous tissue disruptions. Furthermore, the Examiner alleges that the instant specification provides no guidance on the regimes of the administration of the disclosed compositions using routes of administration different from direct intrathecal injection. Finally, the Examiner alleges that the instant specification provides no guidance on how to practice a method which further comprises administration of growth factors and/or neurotrophins.

Without conceding to the Examiner's position, but for the purpose of expediting prosecution, claim 46 has been amended, as indicated above, and claims 55-57 and 62-64 have been cancelled. Claim 46 has been amended to more precisely define the claimed method for promoting neuron repair or regeneration in a human subject suffering from spinal cord disruption by intrathecal administration of a therapeutically effective amount of the identified composition. The Applicant asserts that, as amended, the claims comply with 35 USC § 112, first paragraph, and, therefore, respectfully requests withdrawal of this rejection.

The rejection of claims 60-64 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, is respectfully traversed. It is initially noted that claims 62-64 have been cancelled and, for reasons of clarity, claim 60, from which claim 61 depends, has been amended.

It is stated in the Office action that there is insufficient antecedent basis for "neuronal dysfunction" at claims 60 and 62. Claim 60 has been amended to provide proper antecedent basis for all terms. Claim 62 has been cancelled. Accordingly, withdrawal of this rejection is respectfully requested.

It is further stated in the Office action that there is insufficient antecedent basis for "the disease" at claim 64. The Applicant has cancelled claim 64, rendering the Examiner's rejection moot. As such, withdrawal of this ground of the rejection is respectfully requested.

The Examiner has also rejected claims 61 and 63, stating that these claims are indefinite for being dependent from indefinite claims. Claim 63 has been cancelled and Applicant has amended claim 60, from which claim 61 depends, to more clearly define the claimed subject matter. Accordingly, it is respectfully requested that the rejection be withdrawn.

In summary, it is submitted that the current claims clearly define the subject matter regarded as the invention, and withdrawal of the rejection of claims 60-64 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, is respectfully requested.

In Re Application of: Steeves et al.  
Application Serial No.: 09/530,234  
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Page 6

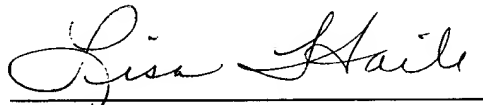
Attorney Docket No.: MBM1200

In view of the amendment and above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

Please charge any additional fees, or make any credits, to Deposit Account  
No. 07-1896.

Respectfully submitted,

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